

Message Text

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ACTION OES-07

INFO OCT-01 EUR-12 ISO-00 ACDA-07 CIAE-00 INR-07 IO-13

L-03 NSAE-00 NSC-05 EB-08 NRC-05 FEAE-00 DODE-00

SS-15 SP-02 PM-05 /090 W

-----130722 071734Z /47

R 071456Z SEP 77

FM AMEMBASSY VIENNA

TO SECSTATE WASHDC 3219

INFO AMEMBASSY PARIS

USERDA HQ WASHDC

USERDA HQ GERMANTOWN

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USIAEA

DEPT PASS IO/SCT

E.O. 11652: N/A

TAGS: IAEA PARM TECH

SUBJECT: DISPOSITION OF SAL RADIOACTIVE WASTES

REF: STATE 127278

SUMMARY: IAEA SECRETARIAT (ADG FISCHER) HAS EXPRESSED CONCERN THAT FRENCH MAY RESCIND THEIR OFFER TO ACCEPT SAL RADIOACTIVE WASTES BECAUSE OF U.S. REQUIREMENT TO SUBJECT FRACTION OF WASTE CONTAINING MATERIAL OF U.S.-ORIGIN TO U.S.-EURATOM AGREEMENT FOR COOPERATION. THIS PROBLEM MAY BE RAISED BY SECRETARIAT WITH AMBASSADOR SMITH DURING HIS FORTHCOMING VISIT TO VIENNA. ACTION REQUESTED: ADVICE FOR SUCH DISCUSSION. END SUMMARY.

1. MISSION HAS RECEIVED LETTER (FIRST PART OF WHICH DEALS WITH SAL RESIDUE PROBLEM), DATED 11 AUGUST FROM IAEA DDG ROMETSCH. ROMETSCH LETTER, POUCHED 17 AUGUST TO ERDA
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(E. MCFADDEN), OES (D. HOYLE) AND IO/SCT (A. JILLSON), DEALS ALSO WITH PROBLEM OF PROCEDURE TO BE ADOPTED FOR THE TRANSFER OF PLUTONIUM-BEARING SAMPLES TO THE AGENCY'S NETWORK OF CONTRACT LABORATORIES; LATTER PROBLEM DISCUSSED SEPTTEL.

2. ON SAL RESIDUE PROBLEM, ROMETSCH LETTER WAS REPLYING TO LETTER DATED 23 JUNE 1977 FROM MISSION TO AGENCY IN WHICH

MISSION CONVEYED INFORMATION CONTAINED REFTEL. ROMETSCH
REPLY INDICATES ESSENTIAL ACCEPTABILITY OF U.S.-PROPOSED
PROCEDURES FOR DETERMINING AMOUNT OF PLUTONIUM OF U.S.-
ORIGIN IN SAL RESIDUE, NOTING THAT ACCURACY WILL DEPEND ON QUOTE
VALIDITY OF QUANTITIES DECLARED TO THE INSPECTORS BY THE
FACILITY OPERATORS END QUOTE.

3. ROMETSCH LETTER THEN NOTES THAT FRENCH GOVERNMENT HAS
QUOTE INDICATED ITS WILLINGNESS TO ACCEPT THE RESIDUES AND TO
REGARD THE RECOVERED PLUTONIUM AS INDEMNIFICATION FOR THE WORK
PERFORMED, PROVIDED THIS BECOMES THE PROPERTY OF THE COMMISSARIAT
DE L'ENERGIE ATOMIQUE (CEA) WHICH IS TO HAVE INNER QUOTE FREE
USE END INNER QUOTE OF THE MATERIAL. IT REMAINS TO BE DETERMINED
IF THE FACT THAT PART OF THE MATERIAL WOULD BE SUBJECT TO THE
FRENCH-U.S. (SIC) COOPERATION AGREEMENT RUNS COUNTER TO THEIR
CONCEPT OF FREE USE. IT IS CERTAIN THAT THE FRENCH REQUIRE
THE RIGHT TO UNRESTRICTED MIXING OF THE RECOVERED MATERIAL,
REGARDLESS OF ORIGIN OR CONTROL REGIME. END QUOTE. FYI.
MISSION HAS REMINDED AGENCY OFFICIALS THAT MATERIAL WOULD BE
SUBJECT TO U.S.-EURATOM AGREEMENT FOR COOPERATION. END FYI.

4. MISSION HAS JUST BEEN GIVEN COPY OF SECRETARIAT'S TRANSLATION
OF FRENCH LETTER OF ACCEPTANCE (BEING POUCHED TO ACDA (L. GALLINI)
AND TO THREE RECIPIENTS OF COPIES OF ROMETSCH LETTER NOTED IN
PARA 1. FRENCH LETTER DOES INDEED STATE (IN LETTER OF TRANSMITTAL
AND IN TECHNICAL ANNEX) THAT QUOTE IT IS IMPERATIVE THAT THE
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DIFFERENT SAMPLES, NO MATTER WHAT THEIR NATIONAL ORIGINS
ARE AND THEIR CONTROL SYSTEMS, BE ALLOWED TO BE MIXED WITHOUT
ANY RESTRICTION. END QUOTE. ARTICLE 3 OF THE FRENCH-PROPOSED
CONTRACT WITH IAEA STATES QUOTE THE SMALL QUANTITIES OF PLUTONIUM
RECOVERED AS AN INDEMNIFICATION FOR THE WORK PERFORMED WILL
BE THE PROPERTY OF THE CEA, WHICH WILL HAVE THE FREE USE
THEREOF. END QUOTE.

5. AS NOTED IN ROMETSCH LETTER, AGENCY HAS NOT YET ASKED
FRENCH WHETHER SUBJECTING PART OF THE RESIDUE MATERIAL TO THE
U.S.-EURATOM AGREEMENT FOR COOPERATION WOULD BE CONTRARY TO
FRENCH CONCEPT OF FREE USE OF THE RECOVERED PLUTONIUM. SECRETAR-
IAT'S APPARENT RELUCTANCE TO DO SO IS ATTRIBUTABLE TO CONCERN
THAT FRENCH WILL WITHDRAW OFFER WHEN CONDITIONS REQUIRED BY
U.S. ARE COMMUNICATED TO FRENCH, AND TO SECRETARIAT HOPE THAT
AN ALTERNATIVE PROCEDURE MIGHT BE DEvised MUTUALLY ACCEPTABLE
TO USG AND GOF.

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L-03 NSAE-00 NSC-05 EB-08 NRC-05 FEAE-00 DODE-00

SS-15 SP-02 PM-05 /090 W

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FM AMEMBASSY VIENNA

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6. AGENCY SECRETARIAT HAD PREPARED A LETTER DISCUSSING THIS PROBLEM FOR DIRECTOR GENERAL EKLUND TO SEND TO AMBASSADOR SMITH, PROPOSING MATTER BE TAKEN UP DURING AMBASSADOR SMITH'S FORTHCOMING VISIT TO VIENNA. SECRETARIAT HAS DECIDED, HOWEVER, NOT REPEAT NOT TO SEND THE LETTER BECAUSE OF RELUCTANCE TO RAISE AT FIRST MEETING WITH AMBASSADOR SMITH A SUBJECT DESCRIBED BY ADG FISCHER AS QUOTE AT ONCE SO CONTROVERSIAL AND OF SUCH SMALL IMPORT RELATIVE TO OTHER ISSUES TO BE DISCUSSED END QUOTE. MISOFF WAS SHOWN COPY OF THIS NON-LETTER TO AMBASSADOR SMITH; IT DESCRIBED THE PROBLEM WITHOUT ITSELF OFFERING PROPOSALS FOR SOLUTION, THOUGH IT REFERRED TO THE 11 AUGUST LETTER FROM ROMETSCH AS CONTAINING A LIST OF POSSIBLE ALTERNATIVE APPROACHES. (SEE PARAS 10 AND 11.)

7. SECRETARIAT MEMBERS (ADG FISCHER AND CLARENCE O'NEAL, OFFICE OF DIRECTOR GENERAL) PLAN WITHIN NEXT WEEK OR SO TO APPROACH FRENCH ON INFORMAL BASIS TO TEST FRENCH REACTION TO QUESTION
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IDENTIFIED PARA 5 ABOVE. IF FRENCH REACTION NEGATIVE, FISCHER HAS SUGGESTED TO MISOFF THAT A PRIVATE MEETING ON THIS SUBJECT BETWEEN AMBASSADOR SMITH, FRENCH GOVERNOR GOLDSCHMIDT, AND AGENCY SECRETARIAT SOMETIME DURING THE PERIOD OF AMBASSADOR

SMITH'S VISIT, MIGHT BE USEFUL. FISCHER HAS PROMISED TO INFORM MISSION AS SOON AS FRENCH VIEWS ARE KNOWN.

8. MISSION'S VIEW IS THAT TONE OF FRENCH LETTER OF ACCEPTANCE (SEE PARA 4 ABOVE) INDICATES AN AWARENESS OF THE U.S. POSITION ON THIS MATTER, COUPLED WITH A DETERMINATION TO ACCEPT THE SAL RESIDUE ONLY IF IT IS UNENCUMBERED BY CONDITIONS OF U.S.-EURATOM AGREEMENT FOR COOPERATION.

9. IF THIS VIEW IS CORRECT, FRENCH MAY RESCIND THEIR OFFER IF THE U.S. INSISTS UPON APPLICATION OF U.S.-EURATOM AGREEMENT FOR COOPERATION TO THAT PORTION OF THE SAL RESIDUE DERIVED FROM PLUTONIUM SAMPLES OF U.S.-ORIGIN. THE U.S., IF IT WISHED TO ASSIST THE IAEA IN DISPOSING OF THE RESIDUES, WOULD HAVE ONLY TWO OPTIONS: EITHER TO OFFER SOME ALTERNATIVE TO OUR CURRENT PROPOSED PROCEDURE FOR TRANSFER OF THE RESIDUE TO FRANCE OR TO BE PREPARED TO RECONSIDER USG ACCEPTANCE OF SAL RESIDUE.

10. THERE ARE TWO SUGGESTIONS OFFERED IN THE ROMETSCH LETTER WHICH DEPARTMENT MAY WISH TO CONSIDER IN VIEW OF LIKELY FRENCH POSITION. FIRST IS TO SEEK APPROPRIATE CHANGE IN U.S. PROCEDURES (OR LEGISLATION, IF NECESSARY) IN ORDER TO PERMIT WAIVER BY USG OF REQUIREMENTS OF BILATERAL AGREEMENTS FOR COOPERATION, OTHER THAN UNDERTAKING TO USE MATERIAL ONLY FOR PEACEFUL NON-EXPLOSIVE PURPOSES, IN CASE OF TRANSFER OF SMALL-QUANTITIES OF SPECIAL NUCLEAR MATERIAL, AT LEAST IN CERTAIN SITUATIONS. IT IS NOT YET CLEAR, HOWEVER, THAT FRANCE WOULD REGARD A U.S. REQUIREMENT FOR A PEACEFUL-PURPOSES GUARANTY TO BE CONSISTENT WITH QUOTE FREE USE UNQUOTE OF THE MATERIAL.
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IN THIS CONNECTION, ROMETSCH HAS ESTIMATED THAT THE AMOUNT OF SPECIAL NUCLEAR MATERIAL OF U.S.-ORIGIN IN SAL RESIDUE WILL NOT EXCEED 400 GRAMS PER YEAR, WITH AMOUNT MORE LIKELY TO BE ABOUT 50-100 GRAMS PER YEAR.

11. SECOND SUGGESTION MADE IN ROMETSCH LETTER IS TO ALLOW FACILITY OPERATORS TO REGARD MATERIAL REMOVED FROM INVENTORIES CONTAINING MATERIAL OF U.S.-ORIGIN, BY SAFEGUARDS INSPECTORS IN THE FORM OF SAMPLES, AS HAVING BEEN CONSUMED IN THE PROJECT. ROMETSCH STATES THAT THE AMOUNTS OF MATERIAL INVOLVED ARE LIKELY TO BE AT LEAST AN ORDER OF MAGNITUDE LESS THAN THE USUAL OPERATING LOSS OF MOST FACILITIES. WHILE ROMETSCH ASSERTION DOUBTLESS ACCURATE, THE PROBLEM IS THAT THE SPECIAL NUCLEAR MATERIAL IS RECOVERABLE FROM ACCUMULATED RESIDUE, AND IT THEREFORE WILL REAPPEAR ELSEWHERE.

12. IF FRENCH REJECT IMPOSITION OF U.S.-EURATOM AGREEMENT FOR COOPERATION ON THAT FRANCHION OF SAL RESIDUE CONTAINING SPECIAL NUCLEAR MATERIAL OF U.S.-ORIGIN, AND IF DEPARTMENT

CONTINUES TO PERCEIVE DIFFICULTIES IN U.S. ACCEPTANCE OF SAL
RESIDUE, DEPARTMENT MAY WISH TO CONSIDER SUGGESTIONS PARA 10
AND 11 ABOVE OR OTHER ALTERNATIVES WHICH WOULD ENABLE FRENCH
TO ACCEPT SAL RESIDUE ON QUOTE FREE USE END QUOTE TERMS IT HAS
SPECIFIED. SINCE SUBJECT MAY ARISE DURING AMBASSADOR SMITH'S
VISIT TO VIENNA FOR SEPTEMBER 23 BOARD AND GENERAL CONFERENCE,
FOLLOWING WEEK, DEPARTMENT'S EARLY ADVICE IS REQUESTED.LABOWITZ

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Message Attributes

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Decaption Note:
Disposition Action: RELEASED
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